



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/722,373

11/25/2003

Karl Goger

13913-047001/2002P10108US

4617

32864

7590

12/07/2006

FISH & RICHARDSON, P.C.

PO BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

AHLUWALIA, NAVNEET K

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/722,373	Applicant(s) GOGER, KARL	
	Examiner Navneet K. Ahluwalia	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the Amendment filed September 07, 2006.

#### ***Response to Arguments***

2. Claims 1 – 30 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 30 remain rejected.
3. Applicant's arguments filed with respect to claims 1 – 30 have been fully considered but they are not persuasive.

***First***, Applicant argues the 101 rejection to claims 21 – 30.

*In response to Applicant's argument, the Examiner maintains the 101 rejection as stated before. Furthermore, the rejection is not made on the basis of usefulness or concreteness. The rejection is made on the basis of patentable subject matter, signals in general are considered to be a form of energy and not matter therefore non-statutory and not patentable.*

***Second***, Applicant argues that there is no teaching in Saito of an access layer operable to control access to an electronic document nor an expert system providing authorization information to an access layer in response to a request.

*In response to Applicant's argument, the Examiner respectfully disagrees as Saito teaches the access layer operable to control access to an electronic document and the provision of authorization of access to information upon request in column 8*

Art Unit: 2166

*lines 11 – 34. Saito clearly discloses the access right settings and access privileges that comprise of authorization of access of the document portions. Furthermore, Saito explains the set-up of right of access to a structured document in column 7 lines 34 – 47.*

*Claims 12 and 21 recite the same subject matter and for the same reasons as cited above the rejection is maintained.*

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 101 and 103 rejections are sustained.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 21 –30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 21 - 30 are rejected because the language of claim 21 in view of the definition of the computer program product from the detailed description of the embodiments (Page 13 lines 14 - 19) recites carrier and signals which are not considered as tangible and do not form the basis of statutory subject matter under 35 U.S.C. 101. Signals in general are forms of energy and not matter therefore not patentable subject matter and thus non-statutory.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. ('Saito' herein after) (US 6,599,324 B2) further in view of Schneck et al. ('Schneck' herein after) US 6,314,409 B2.

With respect to claim 1,

Saito discloses a computer system for protecting electronic documents, comprising:

- a repository for storing an electronic document having a document attribute (Figure 2, lines 22 – 27, Saito);
- an access layer operable to control access to the electronic document, wherein the access layer is used by an accessor to access at least one portion of the electronic document, the accessor having an accessor attribute (Figure 8 and column 2 lines 11 – 24, Saito);
- a rule set (column 8 lines 3 – 9, Saito); and
- an expert system, wherein the expert system provides authorization information to the access layer in response to a request, and wherein the expert system is operable to determine the authorization information

comprising an access behavior with regards to the at least one portion, and wherein the expert system determines access behavior by evaluating rules of the rule set with reference at least to the document attribute and the accessor attribute when the accessor tries to access the at least one portion using the access layer (column 8 lines 12 – 34, Saito).

Saito however does not disclose the rule set as claimed.

Schneck teaches the rule set as claimed (column 34 lines 28 – 43, Schneck).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions deal with access rights and management of the documents. Also Schneck's system would provide control access not only for the document as a whole but also in portions and this would be provided using the rules from the rule set (column 7 lines 23 – 31, Schneck).

8. Claims 2 – 11 are rejected under the same rationale given for claim 1. The citations of the elements claimed and taught are listed below.

With respect to claim 2,

Schneck teaches the computer system of claim 1, where the rule set is stored in a knowledge base and the access behavior is defined in the knowledge base (column 10 lines 1 – 5 and column 19 lines 30 – 55, Schneck).

Art Unit: 2166

With respect to claim 3,

Saito discloses the computer system of claim 1, where the expert system returns the access behavior to the access layer to control the access of the accessor (Figure 4, column 9 lines 19 – 32, Saito).

With respect to claim 4,

Saito discloses the computer system of claim 1, where the rule set has a rule that uses the accessor attribute and the document attribute to assert a condition on the basis of a value of the accessor attribute and a value of the document attribute (column 10 lines 17 – 29, Saito).

With respect to claim 5,

Saito discloses the computer system of claim 1, where the access layer learns about the document attribute of the document by using a generic interface (column 10 lines 45 – 55, Saito).

With respect to claim 6,

Saito discloses the computer system of claim 5, where the expert system retrieves structure meta data of the document that describes the structure of the document (column 11 lines 15 – 30, Saito).

With respect to claim 7,

Schneck teaches the computer system of claim 6, where the structure meta data indicates that the at least one portion is an inner sub-portion of an outer portion of the document and the access layer allows the accessor to access the inner sub-portion but prevents the accessor from accessing the outer portion (column 25 lines 52 – 58, Schneck).

With respect to claim 8,

Saito discloses the computer system of claim 6, where the structure meta data has at least one structure element that is associated with a key that influences the access behavior for the at least one structure element (column 13 lines 4 – 13, Saito).

With respect to claim 9,

Saito discloses the computer system of claim 1, where a framework generates a runtime representation of the document that references the document and reflects the access behavior with respect to the accessor (column 14 lines 55 – 65, Saito).

With respect to claim 10,

Schneck teaches the computer system of claim 1, where at least one of:



Art Unit: 2166

- the document attribute comprises at least one of document type, document structure information, document meta data, document relationship information, and document access behavior (column 7 lines 2 – 11, Saito);
- the accessor attribute comprises at least one of user role, user group, process type, and application type; the access behavior comprises at least one of hidden, protected, read, modify, delete, create, print, copy, transport, archive, and custom access behavior (column 25 lines 20 – 45, Schneck); and
- the accessor comprises at least one of user, application, and process (column 7 lines 35 – 45, Saito).

With respect to claim 11,

Schneck teaches the computer system of claim 1, where a change of the rule set affects substantially simultaneously the access behavior to the at least one portion without the need to change the document or the accessor (column 7 lines 22 – 40, Schneck).

With respect to claim 12,

Saito discloses a method for controlling access to electronic documents, comprising:

- receiving a request of an accessor to access at least one portion of an electronic document stored in a repository (Figure 2, lines 22 – 27, Saito),

Art Unit: 2166

- with the electronic document having a document attribute and the accessor having an accessor attribute (Figure 8 and column 2 lines 11 – 24, Saito);
- requesting authorization information from an expert system with regards to the authorization of the accessor to the at least one portion in response to receiving the request (column 8 lines 3 – 9, Saito);
  - receiving from the expert system the authorization information including an access behavior with regards to the at least one portion, where the access behavior is determined by applying rules of a rule set to data comprising at least the document attribute and the accessor attribute; and granting the accessor access to the at least one portion according to the access behavior (column 8 lines 12 – 34, Saito).

Saito however does not disclose the rule set as claimed.

Schneck teaches the rule set as claimed (column 34 lines 28 – 43, Schneck).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions deal with access rights and management of the documents. Also Schneck's system would provide control access not only for the document as a whole but also in portions and this would be provided using the rules from the rule set (column 7 lines 23 – 31, Schneck).

9. Claims 13 – 20 are rejected under the same rationale given for claim 12. The citations of the elements claimed and taught are listed below.

With respect to claim 13,

Schneck teaches the method of claim 12, where the access behavior is defined in a knowledge base and the rule set is stored in the knowledge base (column 10 lines 1 – 5 and column 19 lines 30 – 55, Schneck).

With respect to claim 14,

Saito discloses the method of claim 12, where the rule set has a rule that uses the accessor attribute and the document attribute to assert a condition on the basis of a value of the accessor attribute and a value of the document attribute (column 10 lines 17 – 29, Saito).

With respect to claim 15,

Saito discloses the method of claim 12, further comprising: generating a runtime representation of the document that references the document and reflects the access behavior with respect to the accessor (column 14 lines 55 – 65, Saito).

With respect to claim 16,

Schneck teaches the method of claim 15, further comprising:

Art Unit: 2166

- receiving an event from at least one of the document and the runtime representation, where the event is triggered by a change of the document (column 7 lines 2 – 11, Saito);
- causing the expert system to determine an updated access behavior in accordance with the change; and notifying at least one of the document and the runtime representation about the updated access behavior (column 14 lines 55 – 65, Saito).

With respect to claim 17,

Saito discloses the method of claim 12, further comprising: retrieving structure meta data of the document that describes the structure of the document (column 13 lines 4 – 13, Saito).

With respect to claim 18,

Schneck teaches the method of claim 17, where the structure meta data indicates that the at least one portion is an inner sub-portion of an outer portion of the document, and where the granting the accessor access further comprises: allowing the accessor to access the inner sub-portion; and preventing the accessor from accessing the outer portion (column 25 lines 52 – 58, Schneck).

With respect to claim 19,

Schneck teaches the method of claim 12, where the access behavior comprises at least one of hidden, protected, read, modify, delete, create, print, copy, transport, archive, and custom access behavior (column 25 lines 20 – 45, Schneck).

With respect to claim 20,

Schneck teaches the method of claim 12, further comprising: changing the rule set and affecting substantially simultaneously the access behavior to the at least one portion without the need to change the document or the accessor (column 7 lines 22 – 40, Schneck).

With respect to claim 21,

Saito discloses a computer program product, tangibly embodied on an information carrier, comprising instructions operable to cause data processing apparatus to:

- receive a request from an accessor to access at least one portion of an electronic document stored in a repository (Figure 2, lines 22 – 27, Saito), with the electronic document having a document attribute and the accessor having an accessor attribute (Figure 8 and column 2 lines 11 – 24, Saito);
- request authorization information from an expert system with regards to the authorization of the accessor to the at least one portion in response to receiving the request (column 8 lines 3 – 9, Saito);

Art Unit: 2166

- receive from the expert system the authorization information including an access behavior with regards to the at least one portion, where the access behavior is determined by applying rules of a rule set to data comprising at least the document attribute and the accessor attribute; and grant the accessor access to the at least one portion according to the access behavior (column 8 lines 12 – 34, Saito).

Saito however does not disclose the rule set as claimed.

Schneck teaches the rule set as claimed (column 34 lines 28 – 43, Schneck).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions deal with access rights and management of the documents. Also Schneck's system would provide control access not only for the document as a whole but also in portions and this would be provided using the rules from the rule set (column 7 lines 23 – 31, Schneck).

10. Claims 22 – 30 are rejected under the same rationale given for claim 21. The citations of the elements claimed and taught are listed below.

With respect to claim 22,

Schneck teaches the product of claim 21, where access to the at least one portion of the electronic document is provided only through an access layer comprising the instructions to receive a request, request authorization, receive from the expert

Art Unit: 2166

system authorization information, and grant the accessor access (column 7 lines 20 – 35, Schneck).

With respect to claim 23,

Schneck teaches the product of claim 21, where the access behavior is defined in a knowledge base and the rule set is stored in the knowledge base (column 10 lines 1 – 5 and column 19 lines 30 – 55, Schneck).

With respect to claim 24,

Saito discloses the product of claim 21, where the rule set has a rule that uses the accessor attribute and the document attribute to assert a condition on the basis of a value of the accessor attribute and a value of the document attribute (column 10 lines 17 – 29, Saito).

With respect to claim 25,

Saito discloses the product of claim 21, further comprising instructions to: generate a runtime representation of the document that references the document and reflects the access behavior with respect to the accessor (column 14 lines 55 – 65, Saito).

With respect to claim 26,

Schneck teaches the product of claim 25, further comprising instructions to:

- receive an event from at least one of the document and the runtime representation, where the event is triggered by a change of the document (column 7 lines 2 – 11, Saito);
- cause the expert system to determine an updated access behavior in accordance with the change; and notify at least one of the document and the runtime representation about the updated access behavior (column 14 lines 55 – 65, Saito).

With respect to claim 27,

Saito discloses the product of claim 21, further comprising instructions to: retrieve structure meta data of the document that describes the structure of the document (column 13 lines 4 – 13, Saito).

With respect to claim 28,

Schneck teaches the product of claim 27, where the structure meta data indicates that the at least one portion is an inner sub-portion of an outer portion of the document, and where the granting the accessor access further comprises: allowing the accessor to access the inner sub-portion; and preventing the accessor from accessing the outer portion (column 25 lines 52 – 58, Schneck).

With respect to claim 29,



Art Unit: 2166

Schneck teaches the product of claim 21, where the access behavior comprises at least one of hidden, protected, read, modify, delete, create, print, copy, transport, archive, and custom access behavior (column 25 lines 20 – 45, Schneck).

With respect to claim 30,

Schneck teaches the product of claim 21, further comprising instructions to: change the rule set and affecting substantially simultaneously the access behavior to the at least one portion without the need to change the document or the accessor (column 7 lines 22 – 40, Schneck).

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2166


**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Navneet*  
Navneet K. Ahluwalia  
Examiner  
Art Unit 2166

  
MOHAMMAD ALI  
PRIMARY EXAMINER

Dated: 12/05/2006